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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,746	08/25/2003	Keith Legum	5630-2	3737

29941 7590 11/23/2005
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EXAMINER

FOX, CHARLES A

ART UNIT PAPER NUMBER

3652

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,746

Applicant(s)

LEGUM, KEITH

Examiner

Charles A. Fox

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20040112</u> . | 6) <input type="checkbox"/> Other: ____ |

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the longitudinal platform members that are parallel with the underlying surface when the platform is tilted must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. There are no shown or disclosed longitudinal platform members (12) that are capable of being parallel with the underlying surface when the platform is in a second position. The frame of the trailer is capable of this, but the frame and the platform are clearly distinct members as per claim 1. In the rejection of claim 6 below the portion of the longitudinal member resting on the ground are considered to be the ends of said members as disclosed in the specification at lines 21 and 22 on page 2. Clarification is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 is written in a manner which does not make sense. It is not grammatically correct, in the art rejection of this claim below the claim is treated as stating that the support member is parallel with the platform when both are in the first position. Clarification is required.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 has multiple instances of using the word operable in an incorrect manner. For example on line 5 what does operable from a first position to a second position include? The render this rejection moot insertion the words -- to move-- after the word operable at line 5 and line 9. This is how the claims are considered in any art rejections below. Claims 2-10 are rejected based upon their dependency on claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4,6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Lobner. Regarding claim 1 Lobner US 5,259,720 discloses a trailer comprising:

a frame having a transverse support member (21) and a pivotal front support member (38);

the pivotal support member being operable to move between a first and a second position;

a platform pivotally mounted to said frame;

the platform (11) operable to move from a first substantially horizontal position to a second tilted position where a rear of said platform contacts an underlying surface;

said platform is supported by said support member when in said second position, whereby the support member has a first end in contact with said platform and a second end in contact with an underlying surface.

Regarding claims 2 and Lobner also discloses the platform as having at least one longitudinal member (12,13) supporting its deck, wherein a rear portion of longitudinal frame members rest on the underlying surface when in the second position.

Regarding claim 4 Lobner further discloses that said support member and said platform are substantially parallel when both are in their first positions. See figure 1.

Regarding claim 9 Lobner further discloses that the deck of the platform is a vehicle transport surface when the platform is in a first position.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lobner as applied to claim 1 above, and further in view of Taylor. Lobner teaches the limitations of claim 1 as above, he does not teach the platform as having a concave upper surface. Taylor US 4,267,991 teaches a portable trailer mounted ramp comprising:

a platform with a concave upper surface (see figure 1);

said platform having a first transport position and a second deployed position;

wherein the ramp is adapted to launch a vehicle into the air when in said second position. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Lobner with a ramp as taught by Taylor in order to launch a vehicle into the air via an easily transportable ramp.

Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lobner as applied to claim 1 above, and further in view of Hultquist. Lobner teaches the limitations of claim 1 as above, they do not teach the front support as being perpendicular with the platform in the second position. Hultquist US 2,364,365 teaches a tilting trailer comprising:

a platform (4) movable from a first substantially horizontal position to a second tilted position;

a pivotal support (8) for supporting a forward end of said platform when in the second position;

said lower end of said support resting on an underlying surface and being substantially perpendicular with said platform when in the second position;

wherein said support has at least one transverse member (10), and two side members (9);

said transverse member pivotally mounted a frame of said platform. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Lobner with a support as taught by Hultquist in order to increase the stability of the platform when in the second position.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lobner as applied to claim 1 above, and further in view of Cohen. Lobner teaches the limitations of claim 1 as above they do not teach the wheels of the trailer being lifted from the underlying surface when in the second position. Cohen US 4,065,825 teaches a trailer type loading ramp comprising:

a platform movable from a first substantially horizontal position to a second tilted position;

a front support for said platform (15);

wherein when the trailer/ramp is in the second position the wheels of the trailer are lifted from the underlying surface. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Lobner with liftable wheels as taught by Cohen to allow the device to be easily movable from place to place as well as providing more stability when in the second position by decreasing the chances of the trailer rolling during use.

The prior art made of record and not relied upon, but considered pertinent to applicant's disclosure is: Lambert 1980, Peyre 1988, Wright 2000, and Ross 2002.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 571-272-6923. The examiner can normally be reached between 7:00-4:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CA 478 11-15-05

Charles A. Fox

Examiner

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